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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/621,629

07/17/2003

Joseph T. O'Brien

65783-0029

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04/11/2006

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EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 10/621,629	Applicant(s) O'BRIEN ET AL.	
	Examiner Victor MacArthur	Art Unit 3679	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 13 February 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.



**DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600**

Continuation of 10. Other (including any explanation in support of the above items): The Appeal Brief filed on 2/13/2006 is not in conformance with the changes to the Rules of Practice before the Board of Patent Appeals and Interferences that went into effect on September 13, 2004. See 37 CFR sections 41.37 through 41.50. Any Appeal Brief filed on or after 10/08/2004 must comply with the new rules regardless of whether or not the Notice of Appeal was filed before the effective date.

The Summary of Claimed Subject Matter must refer to the specification by page and line number (paragraph number is not sufficient). Further, the summary is to be a concise explanation of the subject matter in each independent claim and not the disclosed invention. The first paragraph, for example, includes discussion of a one-piece monolithic structure comprised of an elastomer polymer which is not found to be recited anywhere in claim 1.

The Grounds of Rejection to be Reviewed on Appeal section should be a concise statement of the grounds of rejection and should not be argumentative in form or include any reference to "Issues". Note that an "issues for review" section is no longer proper under the new rules.

The Argument section requires a separate heading for each ground of rejection (rather than each Issue for review). Note that the Argument section should be organized by the grounds of rejection with subheadings for each claim that is argued separately rather than by the "issues for review".